

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,)
)
)
)
Plaintiff,) Civil Action No. 05-10112 JLT
)
v.)
)
THE COMMONWEALTH OF)
MASSACHUSETTS, <i>et al.</i>)
)
)
Defendants.)
)

THE UNITED STATES' CONSOLIDATED LR 56.1 STATEMENT

Pursuant to Local Rule 56.1, as part of its opposition to the Defendants' Cross-Motions for Summary Judgment, Plaintiff the United States of America is directed to file "a concise statement of the material facts of record as to which it is contended that there exists a genuine issue to be tried[.]" The United States submits that there are no such "genuine issues to be tried" and, accordingly, the Court can adjudicate the cross-motions for summary judgment on the present record. Accord Filiatrault v. Comverse Technology, Inc., 275 F.3d 131, 138 (1st Cir. 2001) ("As we have said before, the making of . . . a [cross-]motion [for summary judgment] almost invariably indicates that the moving party was not prejudiced by a lack of discovery.").

DATED this 26th day of July, 2005.

Respectfully Submitted,

PETER D. KEISLER
Assistant Attorney General

MICHAEL SULLIVAN
United States Attorney
MARK T. QUINLIVAN
Assistant United States Attorney

/s/ Steven Y. Bressler

ARTHUR R. GOLDBERG D.C.B. 180661
STEVEN Y. BRESSLER D.C.B. 482492
Attorneys, Civil Division
United States Department of Justice
P.O. Box 833
Washington, D.C. 20044
Telephone (202) 514-4781
Facsimile (202) 318-7609
Steven.Bressler@USDOJ.gov